



System

Policy and Procedure

Title:	Non-Retaliation Policy for Reporting Compliance Violations	Number:	SY-CO-005
Applies to:	All SIH Employees	First Created:	4/03
Issuing Dept:	Compliance Department	Last Revised:	1/07
Approved by:	William F. Sherwood, VP, General Counsel		

I. POLICY

Southern Illinois Healthcare's (SIH's) Corporate Compliance Program ("Compliance Program") promotes high standards of ethical and legal conduct to employees, physicians, volunteers, and business associates. A critical component of the Compliance Program is the establishment of a culture within the organization that promotes the prevention, detection, and resolution of compliance violations. In promoting the establishment of this culture, SIH adopts a strict non-retaliation policy for individuals who in good faith report compliance violations, including privacy violations under the Health Insurance Portability and Accountability Act (HIPAA) and false claims allegations under federal and state False Claims Act laws. Any retaliation against an individual for reporting an actual or perceived compliance violation is a violation of the Compliance Program.

II. DEFINITIONS

Corporate Compliance Program - An internally developed, self-governing program that outlines policies and standards to promote ethical and legal business practices.

Compliance Helpline - A phone line dedicated to receiving reports of potential compliance violations, including privacy policy violations under HIPAA, false claims and other fraud and abuse.

False Claims - Fraudulent or abusive claims, including but not limited to requests for payment for services not provided, coding irregularities or billing errors due to a failure to follow sound business practices.

Privacy Violations - A violation of a patient's right to privacy under HIPAA or state law.

Retaliation - Any negative action taken against an individual specifically for reporting a compliance violation. Actual harm to the reporting individual is not necessary for the action to be considered retaliation.

Violation of Corporate Compliance Program (noncompliance) - An action, process, or behavior that results in a violation of or is contrary to federal law, rules, or regulations; state law, rules, or regulations; federal, state, and private payor healthcare program requirements; SIH's Corporate Compliance Plan; SIH policy; or SIH's Code of Ethics.

Whistleblower - An individual who possesses and comes forward with information regarding false claims.

III. RESPONSIBILITIES

1.0 Corporate Compliance Officer

- 1.1. Maintains an "open door policy" and the Compliance Helpline to allow individuals to report actual or perceived violations of the Corporate Compliance Program.
- 1.2. Acts upon Helpline reports, including reports of retaliation against individuals, promptly and in an appropriate manner.
- 1.3. When an act of retaliation is confirmed, collaborates with Human Resources so that the individual can be disciplined accordingly.

2.0 Employees

- 2.1. Promptly report actual or perceived violations of the Corporate Compliance Program to management, the Corporate Compliance Officer, or Compliance Helpline.
- 2.2. Promptly report acts of retaliation against an individual for reporting a compliance violation.

3.0 Privacy Officer – Oversee investigations of retaliation that are related to privacy violations.

3.0 Managers/Supervisors

- 3.1. Promptly report actual or alleged violations of the Corporate Compliance Program.
- 3.2. Promptly report acts of retaliation against an individual for reporting a compliance violation.
- 3.3. Maintain an “open-door policy” and take measures that encourage the reporting of compliance violations.

IV. EQUIPMENT/MATERIALS

N/A

V. PROCEDURE

- 1.0 Employees who report compliance violations to SIH management, the Helpline, the Corporate Compliance Officer, or a government agency shall not be subject to retaliation.
- 2.0 Any retaliation against an individual for reporting a compliance violation shall be reported to the Compliance Department, either directly or through the Helpline, immediately.
- 3.0 The Compliance Department will investigate all reported incidents of retaliation against individuals for reporting compliance violations.
- 4.0 The Compliance Department will notify the Privacy Officer when the retaliation was in response to a report of a privacy violation.
- 5.0 If retaliation against an individual for reporting a compliance violation is confirmed, the Compliance Department will notify Human Resources and the offending employee’s supervisor.
- 6.0 The Compliance Officer, the Human Resources representative, and the employee’s supervisor will determine appropriate disciplinary action for the offending party. Depending upon the nature of the act, the disciplinary action can include termination. See *Improvement Counseling*, SY-HR-401.
- 7.0 Southern Illinois Healthcare will make efforts to rectify any adverse affects of retaliation against an individual (i.e., if an employee was inappropriately terminated, the employee will be reinstated) in accordance with applicable federal and state whistleblower protection laws.

VI. DOCUMENTATION

N/A

VII. CHARGES

N/A

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Additional Approvals and Review/Revision Dates			
Review Dates:			
Revision Dates:	1/12/07		
Replaces:	N/A		
Additional Approvals:	<u>Name (print)</u> April Holmes, Director	<u>Title</u> Corporate Compliance Officer	<u>Signature</u>